



January 27, 2004

HOUSE BILL No. 1223

DIGEST OF HB 1223 (Updated January 26, 2004 12:02 pm - DI 14)

Citations Affected: IC 5-2; IC 34-30.

Synopsis: Law enforcement training. Specifies that the employees of certain university police departments are law enforcement officers. Expands the law enforcement training board to include the police chief of Indianapolis, one sheriff of a county with a population of at least 100,000, and one member of the fraternal order of police. Requires the police chief executive program to include training on emergency vehicle operation and cultural diversity, and requires the training board to develop a refresher course for certain former law enforcement officers. Authorizes the training board to revoke a law enforcement officer's certification under certain circumstances. Establishes a procedure for revoking an officer's certification. Requires a person who knows of a cause for revocation of an officer's certification to make a report, and provides civil immunity for a report made in good faith. Requires the executive director of the law enforcement training board to have earned a bachelor's degree. Removes obsolete language and makes conforming amendments.

Effective: July 1, 2004.

Adams T, Austin, Reske

January 15, 2004, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.
January 26, 2004, amended, reported — Do Pass.

HB 1223—LS 7020/DI 106+



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January 27, 2004

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

HOUSE BILL No. 1223

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 5-2-1-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2004]: Sec. 1. (a) In order to ensure the public
3 safety and general welfare of the people of the state of Indiana and to
4 promote equity for all segments of society, a program of mandatory
5 training for law enforcement officers is established.
6 (b) This chapter shall be interpreted to achieve said purposes
7 through the establishment of minimum standards in law enforcement
8 training.
9 (c) It is the intent of this chapter to encourage all law enforcement
10 officers, departments, and agencies within this state to adopt standards
11 which are higher than the minimum standards implemented under this
12 chapter and such minimum standards shall in no way be deemed
13 sufficient or adequate in those cases where higher standards have been
14 adopted or proposed.
15 (d) The chief executive officer of a law enforcement department or
16 agency in Indiana shall use all reasonable means to ensure that the law
17 enforcement officers within the department or agency comply with this

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chapter. The chief executive officer shall submit to the executive director of the board, not later than ~~September~~ **March 31** of each year, a written report detailing the basic and inservice training status of each law enforcement officer on the payroll of the department or agency. The report must also include similarly detailed information pertaining to the training status of each police reserve officer.

SECTION 2. IC 5-2-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. For the purposes of this chapter, and unless the context clearly denotes otherwise, the following definitions apply throughout this chapter:

(1) "Law enforcement officer" ~~shall mean~~ **means** an appointed officer or employee hired by and on the payroll of the state or any of its political subdivisions, **or hired by and on the payroll of a public or private college or university whose board of trustees has established a police department under IC 20-12-3.5-1**, who is granted ~~statutory lawful~~ authority to enforce all or some of the penal laws of the state of Indiana and who possesses, with respect to those laws, the power to effect arrests for offenses committed in the officer's or employee's presence. However, the following are hereby expressly excluded from the term "law enforcement officer" for the purposes of this chapter:

(A) A constable.

(B) A special officer ~~including a special officer receiving only token payment for services~~ **whose powers and duties are described in IC 36-8-3-7 or a special deputy whose powers and duties are described in IC 36-8-10-6.**

(C) A county police reserve officer who receives compensation for lake patrol duties under IC 36-8-3-20(f)(4).

(D) A conservation reserve officer who receives compensation for lake patrol duties under IC 14-9-8-27.

(2) "Board" ~~shall mean~~ **means** the law enforcement training board created by this chapter.

(3) "Advisory council" ~~shall mean~~ **means** the law enforcement advisory council created by this chapter.

(4) "Executive training program" **means** the police chief executive training program developed by the law enforcement training board under section 9 of this chapter.

(5) "Law enforcement training council" **means** one (1) of the confederations of law enforcement agencies recognized by the law enforcement training board and organized for the sole purpose of sharing training, instructors, and related resources.

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(6) "Training regarding the lawful use of force" includes classroom and skills training in the proper application of hand to hand defensive tactics, use of firearms, and other methods of:

(A) overcoming unlawful resistance; or

(B) countering other action that threatens the safety of the public or the law enforcement officer.

(7) "Hiring or appointing authority" means:

(A) the chief executive officer, board, or other entity of a police department or agency with authority to appoint and hire law enforcement officers; or

(B) the governor, mayor, board, or other entity with the authority to appoint a chief executive officer of a police department or agency.

SECTION 3. IC 5-2-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) There is created, as a criminal justice agency of the state, a law enforcement training board to carry out the provisions of this chapter. The board members are to be selected as provided by this chapter. The board is composed of:

(1) the superintendent of the Indiana state police department, who shall serve as ex officio ~~chairman~~ **chair** of the board;

(2) **the chief of police of a consolidated city;**

(3) one (1) county sheriff from a county having a population greater than one hundred thousand (100,000);

(4) one (1) county sheriff from a county of at least fifty thousand (50,000) but less than one hundred thousand (100,000) population;

~~(5)~~ **(5)** one (1) county sheriff from a county of under fifty thousand (50,000) population;

~~(4)~~ **(6)** one (1) chief of police from a city of at least thirty-five thousand (35,000) population, **who is not the chief of police of a consolidated city;**

~~(5)~~ **(7)** one (1) chief of police from a city of at least ten thousand (10,000) but under thirty-five thousand (35,000) population;

~~(6)~~ **(8)** one (1) chief of police, police officer, or town marshal from a city or town of under ten thousand (10,000) population;

~~(7)~~ **(9)** one (1) prosecuting attorney;

~~(8)~~ **(10)** one (1) judge of a circuit or superior court exercising criminal jurisdiction;

~~(9)~~ **(11)** one (1) member representing professional journalism;

~~(10)~~ **(12)** one (1) member representing the medical profession;

~~(11)~~ **(13)** one (1) member representing education;

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1 ~~(12)~~ **(14)** one (1) member representing business and industry;
 2 ~~(13)~~ **(15)** one (1) member representing labor; **and**
 3 ~~(14)~~ **(16)** one (1) member representing Indiana elected officials of
 4 counties, cities, and towns; **and**
 5 **(17) one (1) member who is a representative of the fraternal**
 6 **order of police.**

7 (b) The following members constitute an advisory council to assist
 8 the members of the law enforcement training board in an advisory,
 9 nonvoting capacity:

10 (1) The special agent in charge of the Federal Bureau of
 11 Investigation field office covering the state of Indiana, subject to
 12 the agent's approval to serve in such capacity.

13 (2) The attorney general of Indiana.

14 ~~(3) The administrative director of the Indiana commission on~~
 15 ~~forensic sciences~~

16 **(3) One (1) member representing forensic science, to be**
 17 **appointed by the governor.**

18 (4) One (1) member representing theology, to be appointed by the
 19 governor.

20 (5) The director of the law enforcement division of the
 21 department of natural resources.

22 SECTION 4. IC 5-2-1-4 IS AMENDED TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2004]: Sec. 4. (a) All members of the law
 24 enforcement training board shall be appointed to the board by the
 25 governor. ~~Such~~ **The appointments shall be made by July 31, 1967, and**
 26 shall be made on a bipartisan basis so that not more than one-half (1/2)
 27 of the members of the board shall at any time be members of either of
 28 the two (2) major political parties. ~~Four (4) of the initial appointments~~
 29 ~~to the board shall be for a term of one (1) year; four (4) shall be for two~~
 30 ~~(2) years; three (3) for three (3) years; and the remaining three (3) for~~
 31 ~~a term of four (4) years. Thereafter,~~ All appointments shall be for terms
 32 of four (4) years or while maintaining the position held at the time of
 33 appointment to the board, whichever is the lesser period. Appointees
 34 to the board shall serve as members of the board only while holding the
 35 office or position held at the time of appointment to the board in order
 36 that the representative nature of the board outlined in section 3 of this
 37 chapter may be maintained. **However, each member of the board**
 38 **shall serve until the member's successor has been appointed and**
 39 **qualified, unless the member's services are terminated earlier for**
 40 **sufficient reason.** Vacancies on the board caused by expiration of a
 41 term, termination of the office or position held at time of appointment,
 42 or for any other reason shall be filled in the same manner as original

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1 appointments. A member appointed to fill a vacancy created other than
 2 by expiration of a term shall be appointed for the unexpired term of the
 3 member succeeded in the same manner as an original appointment.
 4 Members of the board may be reappointed for additional terms. All
 5 members of the board shall serve, unless their services are terminated
 6 earlier for sufficient reason, until their successors have been appointed
 7 and qualified. Members of the board may be removed by the governor
 8 for inefficiency, incompetency, neglect of duty, or other good cause
 9 after having been accorded a hearing by the governor upon reasonable
 10 notice of the charge being made against them.

11 (b) Members of the advisory council who serve in such capacity by
 12 virtue of their office or position shall serve as members of the advisory
 13 council only during the term of said office or position as the case may
 14 be. The governor is hereby authorized and empowered to appoint
 15 members to the advisory council in addition to those enumerated in
 16 section 3(b) of this chapter. All members appointed to the advisory
 17 council by the governor shall serve only during the pleasure of the
 18 governor. Advisory council appointments need not be made on a
 19 bipartisan basis.

20 SECTION 5. IC 5-2-1-6 IS AMENDED TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2004]: Sec. 6. The board and advisory council
 22 shall meet at least four (4) times in each year and shall hold special
 23 meetings when called by the chairman of the board. ~~The chairman shall~~
 24 ~~call the organization meeting of the board within ten (10) days after the~~
 25 ~~last initial appointment to the board shall have been made by the~~
 26 ~~governor.~~ The presence of nine (9) members of the board shall
 27 constitute a quorum for doing business. At least ~~eight (8)~~ **nine (9)**
 28 affirmative votes shall be required for the passage of any matter put to
 29 a vote of the board. Advisory council members shall be entitled to
 30 participate in the business and deliberation of the board, but only board
 31 members shall be entitled to vote. The board shall establish its own
 32 procedure and requirements with respect to place and conduct of its
 33 meetings.

34 SECTION 6. IC 5-2-1-9, AS AMENDED BY P.L.45-2001,
 35 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2004]: Sec. 9. (a) The board shall adopt in accordance with
 37 IC 4-22-2 all necessary rules to carry out the provisions of this chapter.
 38 Such rules, which shall be adopted only after necessary and proper
 39 investigation and inquiry by the board, shall include the establishment
 40 of the following:

- 41 (1) Minimum standards of physical, educational, mental, and
 42 moral fitness which shall govern the acceptance of any person for

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training by any law enforcement training school or academy meeting or exceeding the minimum standards established pursuant to this chapter.

(2) Minimum standards for law enforcement training schools administered by towns, cities, counties, ~~the northwest Indiana~~ law enforcement training ~~center centers~~, agencies, or departments of the state.

(3) Minimum standards for courses of study, attendance requirements, equipment, and facilities for approved town, city, county, and state law enforcement officer, police reserve officer, and conservation reserve officer training schools.

(4) Minimum standards for a course of study on cultural diversity awareness that must be required for each person accepted for training at a law enforcement training school or academy.

(5) Minimum qualifications for instructors at approved law enforcement training schools.

(6) Minimum basic training requirements which law enforcement officers appointed to probationary terms shall complete before being eligible for continued or permanent employment.

(7) Minimum basic training requirements which law enforcement officers ~~not appointed for probationary terms but~~ appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment.

(8) Minimum basic training requirements which law enforcement officers appointed on a permanent basis shall complete in order to be eligible for continued employment.

(b) Except as provided in subsection (1), a law enforcement officer appointed after July 5, 1972, and before July 1, 1993, may not enforce the laws or ordinances of the state or any political subdivision unless the officer has, within one (1) year from the date of appointment, successfully completed the minimum basic training requirements established under this chapter by the board. If a person fails to successfully complete the basic training requirements within one (1) year from the date of employment, the officer may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power of arrest until the officer has successfully completed the training requirements. This subsection does not apply to any law enforcement officer appointed before July 6, 1972, or after June 30, 1993.

(c) Military leave or other authorized leave of absence from law enforcement duty during the first year of employment after July 6, 1972, shall toll the running of the first year, which in such cases shall

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be calculated by the aggregate of the time before and after the leave, for the purposes of this chapter.

(d) Except as provided in subsections (e) and (l), a law enforcement officer appointed to a law enforcement department or agency after June 30, 1993, may not:

- (1) make an arrest;
- (2) conduct a search or a seizure of a person or property; or
- (3) carry a firearm;

unless the law enforcement officer successfully completes, at a board certified law enforcement academy or at ~~the northwest Indiana~~ a law enforcement training center under section 15.2 of this chapter, the basic training requirements established by the board under this chapter.

(e) Before a law enforcement officer appointed after June 30, 1993, completes the basic training requirements, the law enforcement officer may exercise the police powers described in subsection (d) if the officer successfully completes the pre-basic course established in subsection (f). Successful completion of the pre-basic course authorizes a law enforcement officer to exercise the police powers described in subsection (d) for one (1) year after the date the law enforcement officer is appointed.

(f) The board shall adopt rules under IC 4-22-2 to establish a pre-basic course for the purpose of training:

- (1) law enforcement officers;
- (2) police reserve officers (as described in IC 36-8-3-20); and
- (3) conservation reserve officers (as described in IC 14-9-8-27);

regarding the subjects of arrest, search and seizure, **the lawful** use of force, and ~~firearm qualification~~ **emergency vehicle operation**. The pre-basic course must be offered on a periodic basis throughout the year at regional sites statewide. The pre-basic course must consist of a **minimum of** forty (40) hours of course work. The board may prepare ~~a the classroom portion of the~~ pre-basic course ~~on videotape that must be used~~ **using available technology** in conjunction with live instruction. The board shall provide the course material, the instructors, and the facilities at the regional sites throughout the state that are used for the pre-basic course. In addition, the board may certify pre-basic courses that may be conducted by other public or private training entities, including colleges and universities.

(g) The board shall adopt rules under IC 4-22-2 to establish a mandatory inservice training program for police officers. After June 30, 1993, a law enforcement officer who has satisfactorily completed ~~the~~ basic training and has been appointed to a law enforcement department or agency on either a full-time or part-time basis is not eligible for

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1 continued employment unless the officer satisfactorily completes a
 2 minimum of sixteen (16) hours each year of inservice training in any
 3 subject area included in the law enforcement academy's basic training
 4 course or other job related subjects that are approved by the board as
 5 determined by the law enforcement department's or agency's needs. In
 6 addition, a certified academy staff may develop and make available
 7 inservice training programs on a regional or local basis. **the**
 8 **mandatory inservice training requirements established by rules**
 9 **adopted by the board.** The board may approve courses offered by
 10 other public or private training entities, including colleges and
 11 universities, as necessary in order to ensure the availability of an
 12 adequate number of inservice training programs. The board may waive
 13 an officer's inservice training requirements if the board determines that
 14 the officer's reason for lacking the required amount of inservice
 15 training hours is due to ~~any~~ **either** of the following:

- 16 (1) An emergency situation.
- 17 (2) The unavailability of courses.

18 (h) The board shall also adopt rules establishing a town marshal
 19 basic training program, subject to the following:

- 20 (1) The program must require fewer hours of instruction and class
- 21 attendance and fewer courses of study than are required for the
- 22 mandated basic training program.
- 23 (2) Certain parts of the course materials may be studied by a
- 24 candidate at the candidate's home in order to fulfill requirements
- 25 of the program.
- 26 (3) Law enforcement officers successfully completing the
- 27 requirements of the program are eligible for appointment only in
- 28 towns employing the town marshal system (IC 36-5-7) and having
- 29 no more than one (1) marshal and two (2) deputies.
- 30 (4) The limitation imposed by subdivision (3) does not apply to an
- 31 officer who has successfully completed the mandated basic
- 32 training program.
- 33 (5) The time limitations imposed by subsections (b) and (c) for
- 34 completing the training are also applicable to the town marshal
- 35 basic training program.

36 (i) The board shall adopt rules under IC 4-22-2 to establish a police
 37 chief executive training program. The program must include training
 38 in the following areas:

- 39 (1) Liability.
- 40 (2) Media relations.
- 41 (3) Accounting and administration.
- 42 (4) Discipline.

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(5) Department policy making.

~~(6) Firearm policies.~~

(6) Lawful use of force.

(7) Department programs.

(8) Emergency vehicle operation.

(9) Cultural diversity.

(j) A police chief shall apply for admission to the ~~police chief~~ executive training program within two (2) months of the date the police chief initially takes office. A police chief must successfully complete the ~~police chief~~ executive training program within six (6) months of the date the police chief initially takes office. However, if space in the program is not available at a time that will allow the ~~police chief to~~ **complete completion of** the program within six (6) months of the date the police chief initially takes office, the police chief must successfully complete the next available program that is offered ~~to the police chief~~ after the police chief initially takes office.

(k) A police chief who fails to comply with subsection (j) may not **continue to** serve as the police chief until ~~the police chief has~~ **completed completion of** the police chief executive training program. For the purposes of this subsection and subsection (j), "police chief" refers to:

(1) the police chief of any city; and

(2) the police chief of any town having a metropolitan police department.

A town marshal is not considered to be a police chief for these purposes, but a town marshal may enroll in the ~~police chief~~ executive training program.

(l) An investigator in the arson division of the office of the state fire marshal appointed

~~(1) before January 1, 1994, is not required; or~~

~~(2) after December 31, 1993, is required~~

to comply with the basic training standards established under this ~~section: chapter.~~

(m) The board shall adopt rules under IC 4-22-2 to establish a program to certify handgun safety courses, including courses offered in the private sector, that meet standards approved by the board for training probation officers in handgun safety as required by IC 11-13-1-3.5(3).

(n) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who has:

(1) previously worked as a full-time law enforcement officer for at least one (1) year;

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(2) not been employed as a law enforcement officer for a period greater than two (2) years and less than six (6) years due to the officer's resignation or retirement;

(3) completed a basic training course certified by the board; and

(4) been newly hired by an Indiana law enforcement department or agency as a law enforcement officer.

(o) An officer to whom subsection (n) applies must successfully complete the refresher course described in subsection (n) not later than six (6) months after the officer's date of hire, or the officer will lose the officer's powers of:

(1) arrest;

(2) search; and

(3) seizure.

An officer who has not been employed as a law enforcement officer in the preceding six (6) years is not eligible to attend the refresher course and must repeat the full basic course to regain law enforcement powers.

SECTION 7. IC 5-2-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. (a) The board is further authorized and empowered, in accordance with the rule making power granted in section 9 of this chapter, to adopt all necessary rules to:

(1) establish in-service and advanced training programs, and minimum courses of study and attendance requirements for such programs, to insure that law enforcement officers, both appointed and elected either before or after July 1, 1967, may be offered training in current enforcement and related subjects; ~~on a voluntary enrollment basis;~~

(2) establish training programs for railroad police, prison and industrial guards, college and university safety and security personnel, whether public or private, and such other enforcement related groups as the board may deem necessary, on a voluntary enrollment basis;

(3) establish policies and procedures governing the use of state owned law enforcement training facilities constructed or established pursuant to this chapter; and

(4) give public notice of any other policies, procedures, functions, or requirements which the board may deem necessary and appropriate to carry out the provisions of this chapter.

(b) The board is further authorized and empowered to:

(1) recommend or conduct studies, make surveys, and require such reports to be made by the chief administrative officer of any

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law enforcement agency or department of the state or any of its political subdivisions as may be necessary to carry out the objectives and purposes of this chapter;

(2) originate, compile, and disseminate lecture outlines and other training material, and design and furnish forms and certificates necessary to carry out and certify compliance with the training program authorized or required by this chapter; and

(3) perform such other acts as may be necessary and appropriate to carry out the duties, responsibilities, and functions of the board as set forth in this chapter.

SECTION 8. IC 5-2-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 12. The board or any of its designated representatives are further authorized and empowered to:

(a) visit and inspect any law enforcement training school of the state or any of its political subdivisions for the purpose of determining whether or not the minimum standards established pursuant to this chapter are being complied with and to issue or revoke certificates indicating such compliance;

(b) issue and revoke certificates for instructors qualified or unqualified to participate in law enforcement training under the provisions of this chapter;

(c) issue, ~~or~~ authorize, ~~or revoke~~ the issuance of diplomas, certificates, and other ~~appropriate~~ indicia of compliance and qualification to law enforcement officers or other persons trained under the provisions of this chapter;

(d) consult with and cooperate with any law enforcement agency of the state or any of its political subdivisions for the development of in-service and advanced training programs for the fulfillment of specific needs in law enforcement;

(e) consult with and cooperate with universities, colleges, and institutes for the development of specialized courses of study in police science and administration;

(f) consult with and cooperate with other departments and agencies concerned with law enforcement training; and

(g) perform such other acts as may be necessary or appropriate to carry out the provisions of this chapter.

SECTION 9. IC 5-2-1-12.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 12.5. (a) The board may revoke a diploma, certificate, or other indicia of compliance and qualification issued by the board for one (1) or more of the following reasons:**

(1) The officer has been convicted of:

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1 (A) a felony; or

2 (B) two (2) or more misdemeanors that would cause a
3 reasonable person to believe that the officer is potentially
4 dangerous, violent, or has a propensity to violate the law.

5 (2) The officer has been found not guilty of a felony by reason
6 of mental disease or defect.

7 (3) The officer's diploma, certificate, or other indicia of
8 compliance and qualification was issued in error or was issued
9 on the basis of information later determined to be false.

10 (b) A person who knows of cause for the revocation of an
11 officer's diploma, certificate, or other indicia of compliance and
12 qualification shall inform the officer's hiring or appointing
13 authority or the board. A person who makes a good faith report of
14 cause for revocation of an officer's diploma, certificate, or other
15 indicia of compliance and qualification is immune from civil
16 liability.

17 (c) When the chief executive officer receives a report of cause
18 for revocation concerning an officer within the chief executive
19 officer's department or agency, the chief executive officer shall:

20 (1) cause the internal affairs division (or a similar unit) to
21 investigate the report without unnecessary delay; or

22 (2) request that the investigation be conducted by a police
23 department or agency other than the department or agency to
24 which the subject of the investigation belongs.

25 (d) When a hiring or appointing authority receives a report of
26 cause for revocation concerning the chief executive officer, the
27 hiring or appointing authority shall cause an appropriate
28 investigative agency to investigate without unnecessary delay.

29 (e) When the board receives a report or otherwise learns of
30 cause for revocation concerning a law enforcement officer or chief
31 executive officer, the board shall consider the report and direct the
32 executive director to notify the subject officer's hiring or
33 appointing authority about the report and request an investigation.
34 The hiring or appointing authority shall cause an investigation to
35 be conducted by an appropriate investigative agency without
36 unnecessary delay.

37 (f) When a hiring or appointing authority completes an
38 investigation of cause for revocation, the hiring or appointing
39 authority shall forward a complete report of its investigation,
40 findings, and recommendations, if any, to the board. The hiring or
41 appointing authority shall also forward to the board a description
42 of any administrative or disciplinary action taken as a result of the

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1 investigation.

2 (g) Except as provided in subsection (h), when the board
3 receives the results of an investigation described in subsection (f),
4 the board shall conduct a hearing on the report, considering the
5 report, the recommendations, and any additional information. The
6 board shall provide the officer who is the subject of the report with
7 notice and an opportunity to be heard. The board may appoint the
8 executive director or another qualified person to present the report
9 and the results of the investigation to the board. If the board
10 determines that cause for revocation exists, the board shall revoke
11 the subject officer's diploma, certificate, or other indicia of
12 compliance and qualification. The board shall send notice of
13 revocation by certified mail to the subject officer's hiring or
14 appointing authority. The subject officer may pursue judicial
15 review of the board's action under IC 4-21.5-5-13.

16 (h) When the board receives the results of an investigation
17 described in subsection (f), the board may, instead of conducting a
18 hearing itself under subsection (g), direct the executive director or
19 other qualified person to serve as an administrative law judge to
20 conduct the hearing described in subsection (g). If the
21 administrative law judge determines that cause for revocation
22 exists, the administrative law judge shall revoke the subject
23 officer's diploma, certificate, or other indicia of compliance and
24 qualification and notify the subject officer by certified mail of the
25 decision, with notice of the subject officer's right to appeal to the
26 board within fifteen (15) days after receipt of the notice. An appeal
27 to the board must be in writing, and may be decided by the board
28 without a hearing. The board shall notify the subject officer of the
29 board's appellate decision under this subsection by certified mail.
30 The subject officer may pursue judicial review of the board's
31 action under IC 4-21.5-5-13.

32 (i) An officer whose diploma, certificate, or other indicia of
33 compliance and qualification has been revoked may apply to the
34 board for reinstatement. The application for reinstatement must
35 be in writing and must show that the cause for revocation no
36 longer exists legally, or that reinstatement is otherwise appropriate
37 and that the applicant poses no danger to the public and can
38 perform as a law enforcement officer according to the board's
39 standards. The board may direct the executive director to
40 investigate the application for reinstatement and make a report to
41 the board. The board shall consider the application and notify the
42 officer by certified mail of the board's decision.

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SECTION 10. IC 5-2-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 14. There is hereby created the position of executive director of the law enforcement training board. The executive director shall be selected by the board and the executive director's tenure of office shall be protected by a four (4) year, renewable contract of employment which may be terminated earlier by the board only for inefficiency, incompetency, neglect of duty, or other good cause after having been accorded a hearing by the board upon reasonable notice of the charge being made against the executive director. A vote of at least nine (9) members of the board shall be necessary for the early termination of said contract of employment. The executive director shall be selected on the basis of **education**, training, and experience and shall have, ~~had at least as a minimum, an earned bachelor's degree from an accredited college or university, plus a minimum of~~ ten (10) years experience as an active law enforcement officer, at least five (5) years of which shall have been in an executive or administrative capacity. The executive director shall perform such duties as may be assigned by the board and shall be the chief administrative officer of the law enforcement academy. The salary and compensation for the executive director, the training staff, and employees shall be fixed by the board with the approval of the governor. The executive director shall establish a table of organization to be supplemented with job descriptions for each position subordinate to that of the executive director, all of which shall be subject to the approval of the board. All persons hired to fill such approved vacancies shall be selected on the basis of qualifications and merit based on training, education, and experience through competitive examinations except that the filling of all new positions shall be made so as to maintain in each equivalent position not more than one-half (1/2) of members of either of the two (2) major political parties. Employees and members of the training staff shall not be subject to discharge, demotion, or suspension because of political affiliation, but may be discharged, demoted, or suspended only for cause after charges ~~perferred~~ **preferred** in writing by the executive director. Any person so discharged or disciplined shall have a right to a hearing before the board if such person requests a hearing by giving notice to the executive director within fifteen (15) days after receiving written notice of discharge or disciplinary action. Procedures shall be consistent with IC 4-21.5.

SECTION 11. IC 5-2-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 15. (a) The facilities of the law enforcement academy shall be available to any law

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1 enforcement agency of the state, or any of its political subdivisions,
2 subject to the rules of the board.

3 (b) Any law enforcement agency of the state, any of its political
4 subdivisions, or ~~the northwest Indiana~~ **any** law enforcement **board**
5 **certified** training center may conduct training:

6 (1) for the law enforcement agency of any political subdivision in
7 Indiana; **and**

8 (2) in facilities other than those of the law enforcement academy;
9 **and**

10 ~~(3) if provided that~~ the minimum standards established by the board
11 are met or exceeded.

12 (c) A law enforcement agency or ~~the northwest Indiana~~ a law
13 enforcement **board certified** training center conducting approved local
14 training under subsection (b) shall be entitled to a per capita allowance
15 from the law enforcement training fund to defray such portions of the
16 cost of basic training as shall be approved by the board. Such per capita
17 allowance shall be earmarked and expended only for law enforcement
18 training.

19 (d) The facilities of the law enforcement academy shall be available
20 for the training of railroad police, prison and industrial plant guards,
21 college and university safety and security personnel, whether public or
22 private, and such other enforcement related groups as shall be approved
23 by the board, upon terms and conditions established by the board.
24 Railroad police and nongovernmental enforcement related groups
25 qualifying to use the facilities of the academy under the rules of the
26 board shall be required to reimburse the law enforcement training fund
27 for the cost of such training.

28 (e) The facilities of the law enforcement academy may be used for
29 the training of firefighting personnel where the subject matter of the
30 training relates to duties which involve law enforcement related
31 conduct. Such training shall be conducted upon terms and conditions
32 established by the board. However, no volunteer firefighter is required
33 to attend training at the academy.

34 (f) The cost of the mandatory basic training conducted by the board
35 at the facilities of the law enforcement academy shall be paid out of the
36 law enforcement training fund, if the trainees have been previously
37 appointed and are on the payroll of a law enforcement department or
38 agency. All other training programs authorized by this chapter and
39 conducted at the law enforcement training academy, including the
40 mandatory basic training course when attended by trainees who have
41 been investigated and approved but not yet hired by a law enforcement
42 agency, are subject to fee schedules and charges for tuition, lodging,

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1 meals, instructors, training materials, and any other items or services
2 established by the board.

3 SECTION 12. IC 5-2-1-15.2, AS AMENDED BY P.L.27-2000,
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2004]: Sec. 15.2. ~~The northwest Indiana~~ A law enforcement
6 **board certified** training center may provide basic training to a law
7 enforcement officer who is:

8 (1) employed by a law enforcement agency that is a member
9 agency of the ~~northwest Indiana~~ law enforcement training center;
10 and

11 (2) not accepted by the law enforcement academy for the next
12 basic training course because the academy does not have a space
13 for the officer in the next basic training course.

14 SECTION 13. IC 34-30-2-10.5 IS ADDED TO THE INDIANA
15 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2004]: **Sec. 10.5. IC 5-2-1-12.5 (Concerning**
17 **a good faith report of cause for revoking a law enforcement**
18 **officer's diploma).**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, Ethics and Veterans Affairs, to which was referred House Bill 1223, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 2, strike "and".

Page 4, line 4, delete "." and insert "; and

(17) one (1) member who is a representative of the fraternal order of police."

and when so amended that said bill do pass.

(Reference is to HB 1223 as introduced.)

LYTLE, Chair

Committee Vote: yeas 13, nays 0.

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